

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

State Farm Fire and Casualty Company, )	Case No. 8:23-cv-00140-DCC
)	
Plaintiff, )	
)	
v. )	<b>ORDER</b>
)	
James Allen Busby, Senior; Mark Busby;) )	
Christopher Busby; Tri-County Homes, )	
Inc.; Cindy Dorman; Mark Busby, )	
individually and as Personal )	
Representative of the Estate of Elaine )	
Mauldin; Paul Glenn Busby, )	
)	
Defendants. )	
_____ )	

This matter is before the Court on Defendant Tri-County Home, Inc.'s ("Tri-County") motion for summary judgment and to dismiss Cindy Dorman ("Ms. Dorman") [71] and Defendant James Allen Busby, Senior's ("James") motion for summary judgment and to dismiss [82] his co-defendants Christopher Busby ("Christopher"); Ms. Dorman; Mark Busby ("Mark"), individually and as Personal Representative of the Estate of Elaine Mauldin ("the Mauldin Estate"); and Paul Glenn Busby ("Paul"). In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial proceedings and a Report and Recommendation ("Report"). On November 17, 2023, the Magistrate Judge issued a Report recommending that the Court grant Tri-County's motion for summary judgment and to dismiss Ms. Dorman from this case and grant James's motion for summary judgment and to dismiss his co-defendants Mark, Christopher, and Paul from this case,

which the Magistrate Judge also construed as a motion for default judgment. The Magistrate Judge further recommends that the Court enter an order disbursing to Tri-County \$33,798.35 in satisfaction of its lien on the subject property and to James the remainder of the interpleaded funds. ECF No. 100. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences for failing to do so. No party has filed objections to the Report and the time to do so has lapsed.

### **APPLICABLE LAW AND ANALYSIS**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and adopts the recommendation of the

Magistrate Judge. Accordingly, Tri-County' Homes, Inc.'s motion for summary judgment and to dismiss Ms. Dorman from this case is **GRANTED**. James Allen Busby, Senior's motion for summary judgment and to dismiss his co-defendants Mark, Christopher, and Paul from this case (which has also been construed as a motion for default judgment) is **GRANTED**. The undersigned **ORDERS** the disbursement of \$33,798.35 to Tri-County Homes, Inc. in satisfaction of its lien on the subject property and the disbursement of the remainder of the interpleaded funds and any accrued interest to James Allen Busby, Senior.

IT IS SO ORDERED.

**s/ Donald C. Coggins, Jr.**  
United States District Judge

January 23, 2024  
Spartanburg, South Carolina